UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	**	
ALBERTO RAMOS,	X : :	
Plaintiff,	:	23-CV-9441 (JMF
-V-	· :	23-C v - 7++1 (JIVII)
	:	<u>ORDER</u>
PALM WEST CORPORATION et al.,	: :	
Defendants.	:	
	X	

JESSE M. FURMAN, United States District Judge:

On November 3, 2023, Defendants in the above-captioned action moved to dismiss the claims set forth in Plaintiff's Summons with Notice. ECF No. 10. At that time, no Complaint had yet been filed, and among the reasons offered by Defendants in support of dismissal was that Plaintiff had not received a notice of right to sue from the United States Equal Employment Opportunity Commission (EEOC). See ECF No. 11, at 4. On December 8, 2023, Plaintiff filed his opposition to Defendants' motion, ECF No. 19, and the next day filed his Complaint, in which he alleges that he received a right to sue letter from the EEOC on October 25, 2023, see ECF No. 20, ¶¶ 5-6. Accordingly, Defendants' motion to dismiss is hereby DENIED as premature and overtaken by events. Defendants shall answer or file a new motion to dismiss the Complaint within **twenty-one days** of this order. See Fed. R. Civ. P. 12.

The Clerk of Court is directed to terminate ECF No. 10.

SO ORDERED.

Dated: December 11, 2023 New York, New York

United States District Judge